

SENATE BILL 400 (LRB -1726)

An Act to amend 23.33 (4) (b), 23.33 (5) (a), 23.33 (8) (e) and 346.94 (1); and to create 23.33 (1) (jq), 23.33 (3) (hg), 23.33 (3) (hr) and 23.33 (4) (f) of the statutes; relating to: operation of all-terrain vehicles to remove snow. (FE)

2009

- 11-18. S. Introduced by Senators **Holperin, Kreitlow, Cowles, Taylor, Plale, Olsen, Schultz, Erpenbach and Hansen**; cosponsored by Representatives **Jorgensen, Clark, Ballweg, Townsend, Radcliffe, A. Ott, Suder, Petrowski, Mursau, Gunderson and Kaufert**.

11-18. S. Read first time and referred to committee on Transportation, Tourism, Forestry, and Natural Resources 424

2010

- 01-19. S. Representative Nygren added as a cosponsor 487
- 01-20. S. Public hearing held.
- 01-20. S. Fiscal estimate received.
- 02-04. S. Executive action taken.
- 02-05. S. Report introduction and adoption of Senate Amendment 1 recommended by committee on Transportation, Tourism, Forestry, and Natural Resources, Ayes 6, Noes 0 (**LRB a1456**) 544
- 02-05. S. Report passage as amended recommended by committee on Transportation, Tourism, Forestry, and Natural Resources, Ayes 6, Noes 0 544
- 02-05. S. Available for scheduling.
- 02-18. S. Placed on calendar 2-23-2010 pursuant to Senate Rule 18(1) 572
- 02-22. S. Fiscal estimate received.
- 02-23. S. Read a second time 581
- 02-23. S. Senate amendment 1 **adopted** 581
- 02-23. S. Ordered to a third reading 581
- 02-23. S. Rules suspended 581
- 02-23. S. Read a third time and **passed** 581
- 02-23. S. Ordered immediately messaged 584
- 02-24. A. Received from Senate 693
- 02-24. A. Read first time and referred to committee on Renewable Energy and Rural Affairs 694
- 03-18. A. Assembly amendment 1 offered by Representative Jorgensen (**LRB a1722**) 760
- 03-23. A. Assembly amendment 2 offered by Representative Radcliffe (**LRB a1887**) 762
- 03-23. A. Executive action taken.
- 03-30. A. Report Assembly Amendment 1 adoption recommended by committee on Renewable Energy and Rural Affairs, Ayes 14, Noes 0 771
- 03-30. A. Report concurrence as amended recommended by committee on Renewable Energy and Rural Affairs, Ayes 14, Noes 0 771
- 03-30. A. Referred to committee on Rules 771
- 04-13. A. Made a special order of business at 12:03 P.M. on 4-15-2010 pursuant to Assembly Resolution 22 825
- 04-14. A. Assembly amendment 3 offered by Representative Radcliffe (**LRB a2146**) 828
- 04-15. A. Read a second time 863
- 04-15. A. Assembly substitute amendment 1 offered by Representative Radcliffe (**LRB s0439**) 863
- 04-15. A. Assembly substitute amendment 1 **adopted** 863
- 04-15. A. Ordered to a third reading 863
- 04-15. A. Rules suspended 863
- 04-15. A. Read a third time and **concurred in** as amended 863
- 04-15. A. Ordered immediately messaged 863
- 04-16. S. Received from Assembly amended and concurred in as amended, Assembly substitute amendment 1 adopted.
- 04-16. S. Available for scheduling.
- 04-16. S. Placed on calendar 4-20-2010 pursuant to Senate Rule 18(1).
- 04-20. S. Senate amendment 1 to Assembly substitute amendment 1 offered by Senator Holperin (**LRB a2314**).
- 04-20. S. Senate amendment 1 to Assembly substitute amendment 1 **adopted**.
- 04-20. S. Assembly substitute amendment 1 **concurred in** as amended.
- 04-20. S. Ordered immediately messaged.
- 04-22. A. Received from Senate amended and concurred in as amended (Senate amendment 1 to Assembly substitute amendment 1 adopted).
- 04-22. A. Senate amendment 1 to Assembly substitute amendment 1 **concurred in**.
- 04-22. A. Ordered immediately messaged.
- 04-23. S. Received from Assembly, Senate amendment 1 to Assembly Substitute Amendment 1 concurred in.

2009

ENROLLED BILL

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ADOPTED DOCUMENTS:

☐ Orig

☐ Engr

A SubAmdt 1

09 50439 / 1

Amendments to above (if none, write "NONE"): SA1 — a 2314/3

Corrections - show date (if none, write "NONE"): None

Topic Rel

4-27-10

Date

JR Miller

Enrolling Drafter



State of Wisconsin
2009 – 2010 LEGISLATURE

LRBs0439/1
MGG:nwn:rs

ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 SENATE BILL 400

April 15, 2010 – Offered by Representative RADCLIFFE.

1 **AN ACT** *to renumber and amend* 23.33 (11) (am); *to amend* 23.33 (4) (a), 23.33
2 (4) (b), 23.33 (5) (a), 23.33 (8) (e), 23.33 (12) (a), 345.11 (1r), 346.94 (1) and
3 938.343 (9); and *to create* 23.33 (1) (jq), 23.33 (3) (hg), 23.33 (3) (hr), 23.33 (4)
4 (f), 23.33 (6) (h), 23.33 (11) (am) 2., 23.33 (11) (am) 3., 23.33 (11) (am) 4. and 23.33
5 (11) (am) 5. of the statutes; **relating to:** operation of all-terrain vehicles to
6 remove snow.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

7 **SECTION 1.** 23.33 (1) (jq) of the statutes is created to read:
8 23.33 (1) (jq) “Snow removal device” means an attachment designed and
9 installed for the purpose of removing snow. An attachment under this paragraph
10 may be a plow blade, blower, bucket, or brush.
11 **SECTION 2.** 23.33 (3) (hg) of the statutes is created to read:

1 23.33 (3) (hg) At a speed exceeding 15 miles per hour when it is being operated
2 on a roadway or adjacent to a roadway with a snow removal device attached, if it is
3 more than 150 feet from a dwelling.

4 **SECTION 3.** 23.33 (3) (hr) of the statutes is created to read:

5 23.33 (3) (hr) At a speed exceeding 5 miles per hour when it is being operated
6 on a sidewalk or driveway with a snow removal device attached, regardless of its
7 proximity to a dwelling.

8 **SECTION 4.** 23.33 (4) (a) of the statutes is amended to read:

9 23.33 (4) (a) *Freeways.* No person may operate an all-terrain vehicle upon any
10 part of any freeway which is a part of the federal system of interstate and defense
11 highways. No person may operate an all-terrain vehicle upon any part of any other
12 freeway unless the department of transportation authorizes all-terrain vehicle use
13 on that freeway. No person may operate an all-terrain vehicle with a snow removal
14 device attached upon any part of any freeway under any circumstances.

15 **SECTION 5.** 23.33 (4) (b) of the statutes is amended to read:

16 23.33 (4) (b) *Other highways; operation restricted.* No person may operate an
17 all-terrain vehicle on a highway except as authorized under pars. (d) ~~and~~, (e), and
18 (f) and sub. (11) (am) 2. ^eto 5 or as authorized by rules promulgated by the department
19 and approved by the department of transportation.

20 **SECTION 6.** 23.33 (4) (f) of the statutes is created to read:

21 23.33 (4) (f) *Operation with snow removal device attached.* Except as prohibited
22 ^{SAI-2} under par. (a), and subject to ordinances enacted under sub. (11) (am) 2. ^e(to 5), a person
23 may operate an all-terrain vehicle with a snow removal device attached on a
24 roadway or adjacent to a roadway or on a public sidewalk during the period
25 beginning on October 1 and ending on April 30 of each year for the purpose of

INS.
SAI-3

1 removing snow if such operation is necessary to travel to or from a site where the
2 snow removal device will be used. The travel necessary to or from the site may not
3 exceed 2 miles. Operation on a roadway of such an all-terrain vehicle is authorized
4 only for the extreme right side of the roadway except that left turns may be made
5 from any part of the roadway where it is safe to do so given prevailing conditions.
6 Operation adjacent to a roadway of such an all-terrain vehicle shall comply with the
7 applicable speed limit and with par. (e) 1., 2., 3., and 5.

8 **SECTION 7.** 23.33 (5) (a) of the statutes is amended to read:

9 23.33 (5) (a) *Age restriction.* No person under 12 years of age may operate an
10 all-terrain vehicle unless he or she is operating the all-terrain vehicle for an
11 agricultural purpose and he or she is under the supervision of a person over 18 years
12 of age or unless he or she is operating a small all-terrain vehicle on an all-terrain
13 vehicle trail designated by the department and he or she is accompanied by his or her
14 parent. No person who is under 12 years of age may operate an all-terrain vehicle
15 which is an implement of husbandry on a roadway under any circumstances. No
16 person who is under 12 years of age may operate an all-terrain vehicle on a roadway
17 under the authorization provided under sub. (4) (d) 6. under any circumstances. No
18 person who is under 16 years of age may operate an all-terrain vehicle under the
19 authorization provided under sub. (4) (f) under any circumstances. No person who
20 is under 12 years of age may rent or lease an all-terrain vehicle. For purposes of this
21 paragraph, supervision does not require that the person under 12 years of age be
22 subject to continuous direction or control by the person over 18 years of age.

23 **SECTION 8.** 23.33 (6) (h) of the statutes is created to read:

24 23.33 (6) (h) A person who operates an all-terrain vehicle with a snow removal
25 device attached as authorized under s. 23.33 (4) (f) is required to display at least one

1 or more flashing or rotating amber or yellow lights, and at least one of these lights
2 shall be visible from every direction.

3 **SECTION 9.** 23.33 (8) (e) of the statutes is amended to read:

4 23.33 **(8)** (e) *Signs.* The department, in cooperation with the department of
5 transportation, shall establish uniform all-terrain vehicle route and trail signs and
6 standards. The standards may not require that any additional signs be placed on
7 all-terrain vehicle routes concerning the operation of all-terrain vehicles with snow
8 removal devices attached.

9 **SECTION 10.** 23.33 (11) (am) of the statutes is renumbered 23.33 (11) (am) 1. and
10 amended to read:

11 23.33 **(11)** (am) 1. Any county, town, city or village may enact an ordinance
12 which is in strict conformity with this section and rules promulgated by the
13 department under this section, if the ordinance encompasses all aspects
14 encompassed by this section, except as provided in subds. 2. to 5. INS. SAI-4

15 **SECTION 11.** 23.33 (11) (am) 2. of the statutes is created to read:

16 23.33 **(11)** (am) 2. For a roadway, or for a portion of a roadway, that is located INS. SAI-5
17 within the territorial boundaries of a city or village, the city or village may enact an
18 ordinance to prohibit all-terrain vehicles with snow removal devices attached from INS. SAI-6
19 being operated on the roadway, or adjacent to the roadway INS. SAI-8 if the applicable roadway
20 speed limit is greater than 45 miles per hour INS. SAI-9 and regardless of whether the city or INS. SAI-10
21 village INS. SAI-11 has jurisdiction over the roadway.

22 **SECTION 12.** 23.33 (11) (am) 3. of the statutes is created to read:

23 23.33 **(11)** (am) 3. For the roadway of a town highway, or for a portion of that
24 roadway, the town having jurisdiction SAI-12 may enact an ordinance to prohibit all-terrain
25 vehicles with snow removal devices attached from being operated on the roadway, or

adjacent to the roadway, if the applicable roadway speed limit is greater than 45 miles per hour.

SA 1-12

SECTION 13. 23.33 (11) (am) 4. of the statutes is created to read:

23.33 (11) (am) 4. For the roadway of a county highway, or for a portion of that roadway, the county having jurisdiction may enact an ordinance to prohibit all-terrain vehicles with snow removal devices attached from being operated on the roadway, or adjacent to the roadway, if the applicable roadway speed limit is greater than 45 miles per hour.

SECTION 14. 23.33 (11) (am) 5. of the statutes is created to read:

23.33 (11) (am) 5. For a roadway, or for a portion of a roadway, that is under the jurisdiction of the department of transportation and that is located within the territorial boundaries of a county, the county may enact an ordinance to prohibit all-terrain vehicles with snow removal devices attached from being operated on the roadway, or adjacent to the roadway if the applicable roadway speed limit is greater than 45 miles per hour and regardless of whether the county has jurisdiction over the roadway.

SECTION 15. 23.33 (12) (a) of the statutes is amended to read:

23.33 (12) (a) An officer of the state traffic patrol under s. 110.07 (1), inspector under s. 110.07 (3), conservation warden appointed by the department under s. 23.10, county sheriff or municipal peace officer has authority and jurisdiction to enforce this section and ordinances enacted in ~~conformity~~ accordance with this section.

SECTION 16. 345.11 (1r) of the statutes is amended to read:

345.11 (1r) The uniform traffic citation or the citation form under s. 23.54 shall be used for violations of s. 23.33 relating to highway use or ordinances enacted in

1 ~~conformity~~ accordance with that section if the violation is committed on a highway,
2 but no points may be assessed against the driving record of the operator of an
3 all-terrain vehicle. When the uniform traffic citation is used, the report of conviction
4 shall be forwarded to the department. When the citation form under s. 23.54 is used,
5 the procedure in ss. 23.50 to 23.85 applies.

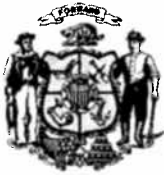
6 **SECTION 17.** 346.94 (1) of the statutes is amended to read:

7 346.94 (1) DRIVING ON SIDEWALK. ~~The~~ Except as authorized in s. 23.33 (4) (f) or
8 when the sidewalk is an all-terrain vehicle route, as defined in s. 23.33 (1) (c), the
9 operator of a vehicle shall not drive upon any sidewalk area except at a permanent
10 or temporarily established driveway unless permitted to do so by the local
11 authorities.

12 **SECTION 18.** 938.343 (9) of the statutes is amended to read:

13 938.343 (9) ALL-TERRAIN VEHICLE SAFETY COURSE. If the violation is one under
14 s. 23.33 or under an ordinance enacted in ~~conformity~~ accordance with s. 23.33
15 concerning the use of all-terrain vehicles, order the juvenile to attend an all-terrain
16 vehicle safety course.

17 (END)



State of Wisconsin
2009 – 2010 LEGISLATURE

LRBa2314/3
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SENATE AMENDMENT 1,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 SENATE BILL 400

April 20, 2010 – Offered by Senator HOLPERIN.

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 2, line 18: delete "to 5.".

3 2. Page 2, line 22: delete "to 5."

4 3. Page 3, line 3: after "miles." insert "Operation of such an all-terrain vehicle
5 on a roadway or adjacent to a roadway is authorized only if the applicable roadway
6 speed limit is 45 miles per hour or less".

7 4. Page 4, line 14: delete "subds. 2. to 5." and substitute "subd. 2.".

8 5. Page 4, line 17: delete that line and substitute "within the territorial
9 boundaries of a city, village, or town, the city, village, or town may enact an".

10 6. Page 4, line 18: delete that line and substitute "ordinance to authorize the
11 operation of all-terrain vehicles with snow removal devices attached".

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SAI-4

SAI-5

SAI-6

- 1 **7.** Page 4, line 19: delete “being operated”. SAI-8
- 2 **8.** Page 4, line 19: substitute “to the roadway,” for “to the roadway”. SAI-9
- 3 **9.** Page 4, line 20: substitute “hour,” for “hour”. SAI-10
- 4 **10.** Page 4, line 20: delete “city or” and substitute “city,”. SAI-11
- 5 **11.** Page 4, line 21: after “village” insert “, or town”. SAI-11
- 6 **12.** Page 4, line 22: delete the material beginning with that line and ending
- 7 with page 5, line 16.

(END)